

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 19, 2016 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Gaylor Baird; Council Members: Camp, Christensen, Eskridge, Fellers, Lamm, Raybould; City Clerk: Teresa Meier.

Council Chair Gaylor Baird announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. She asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

RAYBOULD Having been appointed to read the minutes of the City Council proceedings of December 12, 2016, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**PUBLIC HEARING**

APPOINTING DR. JANE MERLISS TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2017 - Dr. Jane Merliss, 2845 Williams Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING KATIE ENGEL TO THE TELECOMMUNICATION/CABLE TELEVISION ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2019 - Katie Engel, 3400 SW 73rd Street, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING ELAINE HAMMER, NICK CUSICK, JOHN SPATZ, AND MARIAN PRICE TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2019 - Elaine Hammer, 5000 N. 7th Street, applicant, John Spatz, 1505 Moreland Ct., applicant, Mary Price, 2430 N. 87th Street, applicant, Nick Cusick, 6400 Westshore Drive, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING CLANCY WOOLMAN TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING SEPTEMBER 28, 2017 - Clancy Woolman, 920 Northborough Lane, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING KATHY CAMPBELL TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 4, 2017 THROUGH SEPTEMBER 1, 2019 - Kathy Campbell, 6111 Chatwell Lane, applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPOINTING DAN MARVIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 1, 2017 THROUGH SEPTEMBER 1, 2017 - Dan Marvin, 5918 Rolling Hills Blvd., applicant, came forward and requested approval. Discussion followed.

This matter was taken under advisement.

APPLICATION OF CHEF KARIM'S PLACE, LLC DBA CHEF KARIM'S PLACE FOR A CLASS I LIQUOR LICENSE AT 333 NORTH COTNER BOULEVARD, SUITE 1;

MANAGER APPLICATION OF ABDEL K. CHHIBBANE FOR CHEF KARIM'S PLACE, LLC DBA CHEF KARIM'S PLACE AT 333 NORTH COTNER BOULEVARD, SUITE 1 - Abdel K. Chhibbane, 333 North Cotner Boulevard, Suite 1, applicant, came forward to take the oath and requested approval. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16-30, 2016 - Rex Moats, 131 S. 202 Street, Elkhorn, attorney, came forward on behalf of Rose Marie Lunn, about her claim against the City. Mr. Moats stated Ms. Lunn was in town attending the September 17 football game in Lincoln. While walking on the Pedestrian Bridge northwest of Memorial Stadium, her foot became trapped in one of the grates and broke her ankle in several places. Mr. Moats stated they felt it was their duty to report this to Council and wants to put the City on notice because of the seriousness of this issue. Mr. Moats feels because of the volume of people to go over that bridge this is a serious issue that has not been addressed by the City to avoid future injuries. Discussion followed.

Carl Eskridge, Council Member, inquired how many grates are on the bridge.

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Mr. Moats stated there is a total of 12 grates. Discussion followed.

Mr. Eskridge stated that he did not see a dollar amount for Ms. Lunn's claim.

Mr. Moats stated they do not have a final dollar amount yet as Ms. Lunn is still going to physical therapy. Discussion followed.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN - Ben Higgins, Public Works, came forward stating this is a grant funded program that we have received for the past 11 years. This grant requires the City to contribute a 20% cash match of the NDEQ amount. This amount will be coming from the 2016 capital improvement program. Discussion followed.

This matter was taken under advisement.

USE PERMIT 26A – APPLICATION OF CHASE ELPL I, LLC TO CHANGE THE USE FROM HOTEL TO APARTMENTS WITH WAIVER OF PARKING REQUIREMENTS FROM TWO SPACES PER DWELLING UNIT TO ONE SPACE PER STUDIO APARTMENT AND TWO SPACES PER ONE BEDROOM AND WAIVER TO ALLOW PARKING IN THE SIDE YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 200 SOUTH 68<sup>TH</sup> STREET PLACE - Anthony Santo, 12555 High Bluff Drive, Suite 330, California, came forward and stated this establishment wants to go from an extended stay hotel to apartments. With this conversion, we are wanting to change the parking requirements since the property has primarily studio size apartments.

Jon Camp, Council Member, inquired if this would be a reduction and of how many spaces for the reduction.

Mr. Santo said the reduction would be 11 spaces according to the code. Discussion followed.

This matter was taken under advisement.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST - Lynn Johnson, Lincoln Parks and Rec. Director, came forward and stated this is a three year extension of the current agreement. This will move the contract to a calendar year renewal time frame so it doesn't expire during the golf season.

Jon Camp, Council Member, asked Mr. Johnson to review the past performance and inquired about the \$20,000.00 and if that is what has been paid each of the past three years.

Mr. Johnson said correct, the prior agreement is they would pay \$20,000.00 a year or \$10,000.00 every six months. They have been making those payments and we have incorporated them into the Capital Improvement Program. We do monitor their performance, as there were concerns the last time this was renewed. We have not had any repeat instances. The challenge we had the last time the contract was renewed have not been repeated. Discussion followed.

Mr. Camp inquired if they have had discussions about modifying the compensation that Bench Craft pays.

Mr. Johnson said they have not asked them to consider increasing the amount that they pay the City. Discussion followed.

Carl Eskridge, Council Member, inquired about the Golf Program Manager position the City currently has and what their plans are for that.

Mr. Johnson stated that position has been advertised, with 75 applications submitted for this position. Human Resources is currently reviewing the applications. We are hoping to have the new manager in place by late January or early February. One of the responsibilities of the new manager will be overseeing this contract as well as others.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-79056 TO ALLOW ADDITIONAL USE OF PUBLIC RIGHT-OF-WAY ALONG P STREET FOR AN ADA ACCESSIBLE RAMP AND ENTRANCE - Harry Kroos, Public Works, came forward and stated this is to amend a prior resolution granting the property owner some space along P Street as well as 9th Street. The property owners intend to build an ADA accessible ramp along P Street adjacent to the Holiday Inn Hotel located at 141 North 9th Street. This ramp would serve to provide code compliant ADA accessibility. The current ramp at this location does not meet the ADA requirements.

Jon Camp, Council Member, inquired if the restaurant would still be there and stated sometimes the door is locked to the restaurant and as a result of the door being locked you would not have ADA accessibility at all times.

Kevin Murphy, AJ Capital Partners, came forward and stated the restaurant would remain, although, a door buzzer would be installed that would ring the front desk. So anytime after hours or after the restaurant would close, there will be communication between that entrance and the front desk. Discussion followed.

Leirion Gaylor Baird, Council Chair, inquired about the width of the ramp.

Mr. Kroos stated the ramp would be the same width as the stairs that are already there.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 16005 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE NOVEMBER, 2016 DRAFT OF THE “LPLAN 2040 UPDATE,” THE NEW LINCOLN CITY-LANCASTER COUNTY 2040 COMPREHENSIVE PLAN, WITH AMENDMENTS. (12/12/16 - PUBLIC HEARING & ACTION CONT'D TO 12/19/16) - David Cary, Planning Director, came forward stating this item has been continued from past weeks meeting for additional public hearing.

AnnaMarie Czajkowski, 1000 "O" Street, came forward in opposition and stated that she is a senior citizen and she uses the bus system. Discussion followed.

Richard Schmelling, President of Citizens for Improved Transit, 4612 Van Dorn Street, came forward and stated that he was opposed to taking money from StarTran and trails for street construction. Discussion followed.

Jane Kinsey, 6703 Hawkins Bend, Watch Dogs of Lincoln, came forward in favor and stated one of the biggest complaints of citizens is the poor condition of the streets.

Cameron Murphy, 1001 W. Dilin Street, came forward in favor and stated he feel's the needs of the many out weigh the needs of the few, and that more money needs to be spent on roads. Discussion followed.

Carolyn Eberly, 7201 Candletree Lane, came forward in opposition.

Teri Pope-Gonzalez, 349 South 1<sup>st</sup> Street, came forward in opposition stating she is going to need to start riding the bus.

Pat Shures, 1235 South 13<sup>th</sup> Street, in opposition.

Curt Donaldson, 2860 R Street, came forward in favor. Discussion followed.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX RELATING TO FINANCE AND TAXATION, BY PROVIDING ANY TAX INCREASE FOR GENERAL REVENUE PURPOSES MAY NOT BE IMPLEMENTED WITHOUT A VOTE OF THE PEOPLE. A TEMPORARY TAX INCREASE, IN AN EMERGENCY, MUST BE APPROVED BY UNANIMOUS VOTE OF THE CITY COUNCIL AND GOES TO THE VOTERS IN THE NEXT CITY ELECTION - Roy Christensen, Council Member, made motion to withdraw this resolution, seconded by Trent Fellers, carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None. (See Public Hearing - Resolutions.)

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, SECTIONS 25, 25A, 26 AND 26A OF THE CHARTER RELATING TO THE CITY ANNUAL AND BIENNIAL BUDGETS - Cyndi Lamm, Council Member, stated she is proposing a Charter amendment that would be put on the ballot for the people to vote on. This vote would be asking the people if they want the budget process to change. With this new proposed amendment, if the majority of the Council adopts a budget and the Mayor vetoes it, and should the Council fail to override the veto, the prior year's budget would become the default budget. The goal of this proposal is for us to move forward as a City in a responsible manner. This proposal puts the people in charge. Ms. Lamm also stated she will be requesting a delay on this item until January 9th, 2017.

Jane Raybould, Council Member, inquired which draft was the correct one and if Ms. Lamm could discuss some of the proposed changes in this draft. Discussion followed.

Ms. Lamm stated there would be a substitution amendment in front of the Council, and some of the other changes would consist of changing spelling and dates, and working out the language that will go on the ballot. Ms. Lamm stated the question before this body isn't what the Charter amendment is, the question before this body at this point is, should the people be allowed to vote on a Charter amendment having to do with revising their budget process. Discussion followed.

Jon Camp, Council Member, asked if Ms. Lamm could discuss the substance of this proposal to the Charter amendment.

Ms. Lamm stated the Charter amendment cleans up language and combines the annual and biannual budget. It calls for an earlier release of the Mayor's budget and it calls for a different default in the event that the Mayor and the City Council cannot reach agreement, but that a majority of City Council adopt a budget that is then vetoed by the Mayor and if the Council does not override that veto then the default provision is that it would go to the prior years budget. This would ensure that the ideal budget by the Mayor nor the City Council would be enforce. Ms. Lamm stated all of this would be stated in one amendment. Discussion followed.

Carl Eskridge, Council Member, stated that Council needs to discuss the substance of the revision that Ms. Lamm is suggesting, because that is what you have proposed and that is what this hearing is about.

Ms. Lamm stated she would disagree, this hearing is about if the people of Lincoln should be allowed to vote on changing the process of the budget process. Discussion followed.

Mr. Eskridge stated Ms. Lamm has presented Council with a document that has specific information that would be on the ballot and we need to clarify what that is. As Jon clarified, there are three main parts to this revision. The last part of the revision, the fall back, is what is concerning. To have a budget that would be locked in at last years receipts, would affect all departments. In two years, departments will have to deal with having 10% less staff potentially, with those cuts being per department you would not be able to move money around to different departments like Police and Fire, they would have the same cuts as Parks & Rec. Discussion followed.

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Ms. Lamm stated this would be a last resort, in 54 years this is the first time we have had a budget impasse. This is the last resort, but you are right, there are things that would have to be cut, things would have to be done more efficiently, it's not what anyone's ideal solution would be. That is why the Mayor and City Council would have an incentive to work on the budget. Discussion followed.

Mr. Eskridge stated Council had the opportunity to negotiate on the last budget and Council didn't. Discussion followed.

Deb Andrews, 1235 A Street, came forward in favor.

Richard Schmelling, 4612 Van Dorn Street, came forward in favor.

Cameron Murphy, 1001 West Dilin Street, came forward in favor

Brian Cass, 3830 North 9th Street, came forward in favor.

Russell Barger, 7831 East Avon Lane, came forward in favor.

Julie Talbot, 912 South 31st Street, came forward in favor.

Mark Freehoff, 461 Fletcher Avenue, came forward in favor.

Jane Kinsey, 6703 Hawkins Bend, Watch Dogs of Lincoln, came forward in favor.

Carolyn Eberly, 7201 Candletree Lane, came forward stating this should go before the Charter Revision Committee then back to the City Council.

Nick Cusick, 6400 Westshore Drive, came forward in a neutral position, stating he had just been appointed to the Charter Review Commission. The proposed revision to the Charter should go through a cautious deliberate approach and not to jump to conclusions. This should go through due process and he feels that would mean going to the Charter Review Committee.

Dan Marvin, 5918 Rolling Hills Blvd., came forward and stated this should go through the proper committee to ensure that everything is done correctly so he is recommending the Charter Review Committee.

Doug Emery, 9246 Garland Street, came forward and stated it should be mandatory for a request to change the Charter to go to the Charter Review Committee. Charter changes should rarely be done and when done, it should be with a long term thought process. Discussion followed.

Mary Boschuet, President of League of Women Voters of Lincoln and Lancaster County, 950 South 49th Street, came forward and stated the Charter Review Committee should take a look at the proposed Charter changes, and the Charter should not be easy to change. Discussion followed.

Corrie Kielty, 2316 Lake Street, came forward and stated changing the Charter has concerned her. It is important to use the proper process to change the Charter and that would be to go through the Charter Review Committee. Several qualified people were just appointed by Council to this committee tonight. Discussion followed.

**\*\*Council Member Fellers left Chambers at 8:06 p.m.\*\***

**\*\*Council Member Fellers returned to Chambers at 8:08 p.m.\*\***

Ms. Lamm stated that during the voting session she will move to continue public hearing on this item also. Discussion followed.

Ms. Raybould stated the way this is crafted doesn't make Council compromise, it just forces four people to take charge and push forward their decision making. The Council Members do not know with 100% certainty all of the consequences good and/or bad of what this document has. In this last budget process, we had three opportunities to compromise and we didn't. She feels that this is designed to give the Council more power, but this doesn't force us to compromise it just forces four people to take change and push forward their decision making. Ms. Raybould asked Mr. Herz how this would affect our pension plan contributions and about the fallback provision. Discussion followed.

Don Herz, Interim Finance Director, came forward and stated he feels this would have to do with the fallback plan that has been proposed and this could be problematic. With this plan, you would be further under funding your pension. If it is not a dramatic under funding then maybe it is not as big of a deal, but if it is large enough, that could be a problem. Each department would be affected the same and most likely it would be a reduction. Discussion followed.

This matter was taken under advisement.

**\*\*Council Member Raybould left Chambers at 8:23 p.m.\*\***

**\*\*Council Member Raybould returned to Chambers at 8:25 p.m.\*\***

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES;

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR PCS TOWER AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT BEAL SLOUGH DRAINAGE BASIN;

APPROVING AMENDMENT NO. 3 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT VAN DORN PARK;

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT STATE FAIR PARK;

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT HOLMES LAKE;

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT NORTHWEST 56<sup>TH</sup> STREET AND FLETCHER AVENUE - David Young, Public Works, came forward stating the City is moving forward our next step with Mobile Broad Band. With wireless we have MacroCell towers that cover a 5 mile area, small cells covers just under 1 mile. Our success in Broad Band had been through partnership. We are proposing to continue that model by using some of our street lights not traffic lights, around town, and allow private carriers to install the small cell rated street lights. This will increase speed with these devices for users. Each pole will be connected to an advanced fiber optic network in advance of the 5G wireless technology employment. We have proposed 30 locations and are currently working with Planning Department on approving the sites for these small cells to be placed.

Mary Julius, Real Estate Specialist at Verizon, 10801 Bush Lake Road, Bloomington, MN, came forward to discuss the partnership they have been working on with Lincoln. The current Macro cell sites have limited amount of resources to handle the volume of users, the small cells will enhance those services. This will minimize the need for traditional towers while improving customers reception. Discussion followed.

Jon Camp, Council Member, inquired about the comment that the Macro sites are not serving us well, concerned that they are obsolete.

Ms. Julius stated that was not the case, the small cells need those Macro sites, the small cells work with the Macro sites, adding more Macro sites will not give you the same experience that the small cells will. Discussion followed.

Carl Eskridge, Council Member, inquired if another provider wanted to do something similar.

Mr. Young stated we would offer them the same thing. This is designed to attract other providers to the community as well. Discussion followed.

Jane Raybould, Council Member, inquired if the poles belong to the City with Verizon just leasing the space on the pole.

Ms. Julius said yes the City will own the poles. Verizon is providing the new poles that will be replacing the existing pole that is constructed with the ports the cabling will need to complete the connection. Discussion followed.

Trent Fellers, Council Member, inquired were the revenue would go from the leasing of these poles.

Mr. Young stated that the Administration has not decided yet where the revenue would go, but they are considering putting the revenue in the Broad Band Enterprise Fund since this is part of the LTID Project. Discussion followed.

Roy Christensen, Council Member, inquired how much revenue that would be.

Mr. Young stated currently Verizon is proposing 30 sites in downtown, overall Verizon and other carriers will expand to about 400 of them over the next 10 years in the City. The carriers will be charged \$1,995.00 per year, per location. At 30 poles we are talking \$60,000.00 a year, and for 400 poles we are talking about One Million dollars a year. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 16036 – APPLICATION OF LINCOLN FEDERAL BANCORP, INC., WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW FOR A MIX OF COMMERCIAL AND RESIDENTIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 27<sup>TH</sup> STREET AND YANKEE HILL ROAD - Brett West, 3042 Sheridan Blvd., came forward proposing changes to get more people to this area. The primary thing that is being proposed is in the back corner, Lot 16, which, in the previous plan, had office space, retail space and a large hotel. We are wanting to change this to a mixed use area. We have had discussions with the neighborhood and the leadership of Wilderness Hills and have gotten generally positive comments and feedback from them. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05054E – AMENDING THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 7.37 ACRES; APPROVING A CHANGE OF ZONE ON SAID 7.37 ACRES FROM AG AGRICULTURAL

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DISTRICT TO R-5 RESIDENTIAL DISTRICT PUD; AND DESIGNATING SAID 7.37 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 89<sup>TH</sup> STREET AND FREMONT STREET - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., Suite 200, representing Fremont at 84, LLC, came forward and stated that Prairie Village North is the last area that is converting from Agriculture to the Zoning that was shown in the approved PUD, in this case it would be B5. Discussion followed.

This matter was taken under advisement.

**\*\*Council Chair Gaylor Baird left Chambers at 8:49 p.m.\*\***

TEXT AMENDMENT 16014 – AMENDING SECTION 27.61.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CONTINUATION OF NONSTANDARD USES TO AUTOMATICALLY ADJUST THE SETBACK FOR EXISTING BUILDINGS AND USES WHEN THE CITY OBTAINS PROPERTY FOR RIGHT-OF-WAY, AND REPEALING SECTION 27.61.090 AS HITHERTO EXISTING - David Cary, Planning Director, came forward and stated this is clean up of Zoning code changes that was brought to Council in August of this year. This is to be clear that we want to maintain the flexibility of these lots when some right-of-way has been obtained by government agency. Discussion followed.

Jon Camp, Council Member, inquired if the City purchased more right-of-way would this automatically force the property owner to move back the building.

Mr. Cary said no, this is the point of the change in the code. It is meant to make sure that this situation would allow for continuation of the building wall if it is existing, and to allow for some flexibility, so that we don't create a problem for those lots. Discussion followed.

This matter was taken under advisement.

**\*\*Council Chair Gaylor Baird returned to Chambers at 8:51 p.m.\*\***

APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO THE GOLF COURSE IRRIGATION SYSTEMS CIP PROJECT FOR REPLACEMENT OF THE IRRIGATION PUMP STATION AND WET WELL AT PIONEERS GOLF COURSE - Lynn Johnson, Lincoln Parks and Rec. Director, came forward and stated this is to transfer of CIP Funds within the Golf Fund to replace the irrigation pump station and wet well at Pioneers Golf Course. This pump station system is failing and if this is not approved, we will lose revenue and some of the grounds terf. Discussion followed.

Trent Fellers, Council Member, inquired how old the system was, but thought that it was from the 1950's.

Mr. Johnson said yes, this system is from the 1950's. This golf course is the cash cow of this program, so if anything happens to this course it would really hurt our revenue.

Jon Camp, Council Member, inquired what programs would money come out of for this project. Discussion followed.

Mr. Johnson stated that money would be moved from several projects they were going to do this year to pay for this project that needs to be done now. Discussion followed.

This matter was taken under advisement.

**\*\*Council Members Christensen and Raybould left Chambers at 8:55 p.m.\*\***

COMP. PLAN AMENDMENT 16004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM PUBLIC & SEMI-PUBLIC AND RESIDENTIAL-URBAN DENSITY TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD;

CHANGE OF ZONE 16030 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, FROM AG AGRICULTURAL TO R-1 RESIDENTIAL, AND FROM R-1 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 14<sup>TH</sup> STREET AND PINE LAKE ROAD;

USE PERMIT 16009 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A USE PERMIT TO ALLOW UP TO 177,000 SQUARE FEET OF NEW COMMERCIAL FLOOR AREA INCLUDING A RETAIL WAREHOUSE AND MOTORIZED VEHICLE FUEL FACILITY, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD - Brian Whelan, 2311 W. 22nd, Oak Brook, IL, representing Costco, came forward stating they have had two neighborhood outreach meetings and a public hearing with the Planning Commission with recommendations of approval. Costco is a membership-based wholesale business that sells to small businesses and individuals. Costco sells fewer items than other retailers with a lot of different types of products that they sell. At this location, we would be hiring 175-200 new employees with wages starting at \$13.50 per hour for cashiers. These jobs will be for both full and part-time employees with benefits. We will open at 10:00 a.m. and this will limit any impact we would have on peak traffic in the mornings. We do have a fuel facility that is only available to our members, it will open a little longer than our retail store to our members. Our fuel station will open at 6:00 a.m., this is not during the peak traffic hours in the mornings in this area. Discussion followed.

Ted Johnson, TJ Design Strategies, 2311 West 22nd, Oak Brook, IL, came forward and stated this is located on 22 acres. Access to the property is from Hazel Scott, on the east boundary, on Pine Lake there is a right turn only to this property, and on 16th and Pine Lake there will be a full access intersection with a

signal, and then a right in and out on 14th Street to get to this location. The Costco trucks will be entering this location at 16th and Pine Lake. We will be putting in a heavy landscape berm along the cemetery. We will also be putting in a 4-foot berm with trees to achieve 10-foot height on the east side, and to the west the property slopes up from Pine Lake. With this proposal, we will cut into the land on the west side and make the Costco at a lower elevation than the cemetery. Costco has also proposed to extend the sidewalk on the north side of Hazel Scott from the Costco property to meet the existing sidewalk on Hazel Scott. We are also proposing a sidewalk behind our building and to the west of our building for students going to and from high school. Discussion followed.

**\*\*Council Member Lamm left Chambers at 9:22 p.m.\*\***

Mark Hunzeker, Baylor Evnen Law Firm, 1248 O St. Suite 600, representing Costco, came forward stating this location is ideally suited to be a commercial project. It is on the intersection of two arterial streets and we have very large buffers from nearby residential areas and schools. Pine Lake has less traffic than it was designed to carry, likewise 14th Street is the same, they both have plenty of capacity for additional traffic. Mr. Hunzeker submitted proposed amendments stating the Access Management Policy standards were adopted after the arterial's were built, so the existing access points do not meet the current standards for this project. This amendment will allow for the intersection of 16th and Pine Lake to be a full access intersection. It would also provide if another traffic study is done and it shows that it warrants for a signal Costco would put in a signal. Plus it also provides if the Public Works Department does a traffic study prior to installation of a signal, and if that study indicates the left turning movements coming out of both the north and the south are a problem and the left turns should be restricted, Costco would be required to construct a median to enforce those restrictions and it would also retain a traffic signal at the intersection of 20th and Pine Lake Road at the west end of Scott Middle School. Discussion followed.

**\*\*Council Member Lamm returned to Chambers at 9:24 p.m.\*\***

Jon Camp, Council Member, inquired about the undeveloped land that the cemetery owns, and if there are plans to sell this land.

Mr. Johnson said no, that the land is not being rezoned, but Costco will maintain this property for the cemetery. Discussion followed.

Dann Narveson, 5703 Bermuda Dunes Drive, Houston, TX, representing Lincoln Memorial Park Funeral Home and Cemetery, came forward and stated they have no plans on selling the remaining land at the cemetery. Discussion followed.

Leirion Gaylor Baird, Council Chair, inquired how many people would be going to the fuel center at this location just for fuel and not into the store. Discussion followed.

Mr. Hunzeker stated most of the customers that will be getting gas in the morning is when the store is not open. We do not have the exact numbers of the customers that are just getting fuel and not going into the store. Discussion followed.

Ms. Gaylor Baird inquired about an access road diverting traffic into their site since Costco is very popular.

Mr. Whelan inquired if Ms. Gaylor Baird was talking about 16th Street or Hazel Scott and that he was unsure of what she was asking. Discussion followed.

Ms. Gaylor Baird inquired what the peak hours were for customers that were fueling.

Mr. Whelan stated that since most of the customers that get fuel also shop, the peak times for fuel are near the peak times of the building, that would be noon to 2 p.m. primarily during the week, and noon to 4 p.m. on weekends. Discussion followed.

Mr. Hunzeker stated wanting to go back to a prior question of Ms. Gaylor Baird's about the access road. The exit off of 16th Street is almost a city block long, 250 feet, which allows customers to get off the major roadway giving time to slow down prior to entering the site. So it does serve that purpose of getting people off the main road to slow down to get into the parking lot. Discussion followed.

Ms. Gaylor Baird inquired about other Costco building that were located near public schools.

Mr. Whelan stated that they have a Costco near a school in La Habra, California, and they have not had any complaints. Costco would not do this if they did not feel that it would be safe for this environment. Every professional that has reviewed this has found our plans to be safe. Discussion followed.

Ms. Gaylor Baird inquired about the motion to amend and why they want the signal in this area when the information given is against that.

Mr. Whelan stated that they are prepared to move ahead without the amendment. We are suggesting this after the two neighborhood meeting. At those meetings the residents that live south requested that the access not be restricted, and they really wanted a traffic signal there. Costco would be willing to pay for a traffic signal for the residents and businesses in the area. Discussion followed.

DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, representing Pine Ridge Retail, LLC, Pine Ridge Plaza, LLC, and Pine Ridge Office, LLC, came forward in favor of this applicant as long as it doesn't penalize the tenants on 16th Street. The property owners in this area have made significant investments over the past 20 years. They have invested over \$25 million in construction and improvements in this area. They have about 160,000 square feet of development and anticipate significant investment in the future. They want full access both directions for customers at the 16th and Pine Lake and at 20th and Pine Lake. But they do not agree with the last line of the amendment that restricts the left lane turns. Discussion followed.

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Richard Rice, Midwest Slims LLC, stated he agrees with what Ms. Kalkowski had said and is in favor of Costco. Mr. Rice stated they also want to keep the access on 16th Street open as a full intersection. They are okay with the amendment except the ability to change the intersection at a later date. Discussion followed.

Curtis Campbell, Vavrina Meadows Homeowner's Association, 8109 South 16th Street, came forward and stated that they are in support of Costco but are concerned about the flow of traffic. The neighborhood feels that the traffic that will go into 16th Street off of Pine Lake will create a bigger problem. They want full access at 16th Street. Discussion followed.

Jason Albers, 6101 Rolling Hill, came forward in opposition feeling that it is too close to the schools in the area.

Debbie Stuart, 3617 Potomac Lane, came forward in opposition.

Brenda Seman, 6730 Ridge Point Road, came forward in opposition stating that more than 300 families signed a petition saying yes to Costco and no to our area.

David Martin, 2925 South 25th Street, came forward in opposition and feels this will affect quality of life in that part of Lincoln.

Sarah McCurley, 6600 South 21st Street, came forward in opposition saying yes to Costco and no to Pine Lake area.

Lori Miller, 6830 South Ridge Drive, came forward in opposition stating that Adams School has 840 students, Scott Middle School has well over 1000 students and Southwest has 1800 students, this is 4000 students within a one mile radius.

Khara Plicanic, 5909 Woodstock Ave., came forward in opposition and feels this will affect the quality of life but if we are going to have a Costco she liked the idea of the sidewalk behind the store.

Christy Dionisopoulos, 2421 Switchback Road, came forward in opposition, stating that several Costco's are located off major roads and major intersections and this area is not.

Bill Koobly, 2417 Ridge Road, came forward in opposition, in support of Costco in Lincoln but not in this location.

Richard Halverson, 6311 Inverness Rd., came forward in opposition due to the added traffic.

Janice Parker, 2501 Ridgeline Ct., came forward in opposition stating the La Habra, California, Costco is by a six lane road, and Costco does not share the road with the schools in that area, so this is not a similar situation. Consider the welfare and safety of our children and not endanger them.

Mr. Hunzeker came forward and stated studies have been done on the existing traffic on those roads along with the projected new traffic and it's been concluded that there is adequate capacity on the existing roads with the street improvement proposed by Costco to handle the volume. Hazel Scott is not a residential street, it is built to collector street standards, even though it is not classified a collector street. This project exceeds both landscaping and building design standards. Discussion followed.

Ms. Gaylor Baird asked Mr. Burklund to outline what the City is recommending with the lights on 16th Street.

Lonnie Burklund, Public Works, Traffic Engineering, came forward and stated the traffic study that was done, as the applicant mentioned, looked at the street network that would be impacted. We are at a comfort level with the recommendations. What they have recommended, in regards to the traffic, is in conformance with the City's Access Management Policy. We did have them run some additional analysis and they submitted some follow up memo's on if the intersection was left open. What the volumes indicate is that a traffic signal would not be warranted at 16th Street. With traffic volumes, Pine Lake Road in the east west section today carries around 17,000 vehicles per day. What we look at for a capacity of a roadway segment like that is like East O Street past 48th where it goes to 6 lanes and it carries around 35,000 vehicles per day. We support their recommendations. Discussion followed.

Mr. Camp inquired about the stacking of vehicles on Hazel Scott by the Middle School in the pictures that were shown.

Mr. Burklund stated that it is not unlike most of the schools sites in the City. We have been working on doing more city wide studies at the middle and grade schools. Twice a day, we have a lot of stacking issues and on street parking issues. With the picture shown, the stacking would be greatly improved with a signal at the intersection. We should consider where do those vehicles stack today in relation to the proposed access point that is just to the north. We have talked with LPS about some on street no parking restrictions for a block or two to the north. With any type of marking or restriping effort there on that section that would be a collector road to serve the site, we would want to take things like that into consideration to address some of the issues. Discussion followed.

Ms. Gaylor Baird inquired about the Access Management Policy and what would be the down side of putting in a signal at 16th and 20th Streets.

Randy Hoskins, Assistant City Engineer, came forward stating at the Access Management Policy we have been limiting access points to 1/4 miles. In this situation, 16th Street, is 1/8 mile and 20th Street is close to 1/4 mile. From that point, looking at the signal at 20th does not make sense and a signal at 16th Street is too close so it is not something that we would do. The light on 20th Street will help empty the school traffic out and believe it warrants a traffic signal in that area. When traffic signals are closer than the 1/4 mile, you will experience delays with having signals too close together, and this is something that the City wants to avoid. Discussion followed.

This matter was taken under advisement.

**\*\*Council Members Christensen and Raybould returned to Chambers at 11:18p.m.\*\***

**\*\*11:20 p.m. Council took a 5 minute break.\*\***



**\*\*11:25 P.M. Council reconvened.\*\***

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING DR. JANE MERLISS TO THE HUMAN RIGHTS COMMISSION FOR A TERM EXPIRING DECEMBER 31, 2017 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90134 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Dr. Jane Merliss to the Human Rights Commission, for a term expiring December 31, 2017, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

REAPPOINTING AMANDA BARON, MICHEAL Q. THOMPSON, AND MELANIE WAYS TO THE HUMAN RIGHTS COMMISSION FOR TERMS EXPIRING DECEMBER 31, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90135 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointments of Amanda Baron, Micheal Q. Thompson, and Melanie Ways to the Human Rights Commission, for terms expiring December 31, 2019, are hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

REAPPOINTING JON CAMP TO THE DISTRICT ENERGY CORP. FOR A TERM EXPIRING DECEMBER 31, 2018 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90136 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the reappointment of Jon Camp to the District Energy Corp., for a term expiring December 31, 2018, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

APPOINTING KATIE ENGEL TO THE TELECOMMUNICATION/CABLE TELEVISION ADVISORY BOARD FOR A TERM EXPIRING JULY 1, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90137 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointment of Katie Engel to the Telecommunication/Cable Television Advisory Board, for a term expiring July 1, 2019, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND BRYAN COLLEGE OF HEALTH SCIENCES FOR CLINICAL TRAINING AT EASTERDAY RECREATION CENTER FOR PUBLIC HEALTH STUDENTS FOR A TWO YEAR TERM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90138 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the Service Agreement between the City of Lincoln, Nebraska and Bryan College of Health Sciences, to provide clinical training for public health nursing students at Easterday Recreation Center for a term of January 1, 2017 through December 31, 2019, upon the terms and conditions as set forth in said Agreement, which are attached hereto and made a part hereof by reference, are hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.  
The City Clerk is directed to send a copy of this Resolution and one fully executed copy of the Agreement to Lynn Johnson, Director of the Parks and Recreation Department for transmittal to Bryan College of Health Sciences.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

APPOINTING ELAINE HAMMER, NICK CUSICK, JOHN SPATZ, AND MARIAN PRICE TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90139 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the appointments of Elaine Hammer, Nick Cusick, John Spatz, and Marian Price to the Charter Revision Commission, for terms expiring July 15, 2019, are hereby approved.

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Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**APPOINTING CLANCY WOOLMAN TO THE CHARTER REVISION COMMISSION FOR A TERM**

**EXPIRING SEPTEMBER 28, 2017 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90140 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Clancy Woolman to the Charter Revision Commission, for a term expiring September 28, 2017, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**REAPPOINTING PATTE L. NEWMAN-NIEVEEN TO THE CHARTER REVISION COMMISSION FOR A TERM EXPIRING JULY 15, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90141 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patte L. Newman-Nieveen to the Charter Revision Commission, for a term expiring July 15, 2019, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**APPOINTING KATHY CAMPBELL TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 4, 2017 THROUGH SEPTEMBER 1, 2019 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90142 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patte L. Newman-Nieveen to the Charter Revision Commission, for a term expiring July 15, 2019, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**APPOINTING DAN MARVIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM OF JANUARY 1, 2017 THROUGH SEPTEMBER 1, 2017 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90143 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dan Marvin to the Community Health Endowment Board, for a term of January 1, 2017 through September 1, 2017, is hereby approved.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES MARSHALS SERVICES AND LINCOLN POLICE DEPARTMENT TO INVESTIGATE AND APPREHEND LOCAL, STATE, AND FEDERAL FUGITIVES, THEREBY IMPROVING PUBLIC SAFETY AND REDUCING VIOLENT CRIMES - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90144 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Understanding between the United States Marshals Services and Lincoln Police Department to investigate and apprehend local, state, and federal fugitives, thereby improving public safety and reducing violent crimes, upon the terms and conditions set forth in said Memorandum of Understanding, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Memorandum of Understanding to Tonya Peters, Lincoln Police Department, for transmittal to and execution by the United States Marshals Services.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**SETTING THE HEARING DATE OF MONDAY, JANUARY 30, 2017, AT 5:30 P.M. FOR BOARD OF EQUALIZATION MEETING SPECIAL ASSESSMENT GROUP I - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:**

A-90145 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City Clerk be and she is hereby instructed to give ten days' notice by publication according to law that the City Council will at a regular meeting on Monday, January 23, 2017, at 3:00 p.m., assess the improvements in the following special assessment districts:

PAVING DISTRICT 2631 - GLADSTONE ST., 35<sup>TH</sup> ST. TO 36<sup>TH</sup> ST. AND 36<sup>TH</sup> ST., GLADSTONE ST. TO HARTLEY ST.

SEWER DISTRICT 1188 - CALVERT ST. FROM S. 6<sup>TH</sup> ST. WEST APPROX. 500 FT.

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, January 30, 2017, at 5:30 p.m. with adjournments from day to day until said work of equalizing such assessments are completed.

Introduced by Jane Raybould

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2016 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90146 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2016 \$122,480.88 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jane Raybould

Seconded by Gaylor Baird & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM BLACK HILLS CORPORATION FOR THE MONTH OF OCTOBER, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF 911 SURCHARGES FOR THE MONTH OF OCTOBER, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-2)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION AND ORDINANCES PASSED BY CITY COUNCIL ON DECEMBER 5, 2016 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

### **PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2017 AT 3:00 P.M. ON THE APPLICATION OF GREY WHALE DBA GREY WHALE SUSHI & GRILL FOR A CLASS I LIQUOR LICENSE AT 129 N. 10<sup>TH</sup> STREET, SUITE 112 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90147 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Grey Whale LLC dba Grey Whale Sushi & Grill for a Class I Liquor License at 129 N. 10<sup>th</sup> Street, Suite 112.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2017 AT 3:00 P.M. ON THE APPLICATION OF BABY BULL LLC DBA METHOD CYCLES AND CRAFT HOUSE FOR A CLASS C LIQUOR LICENSE AT 416 S. 11<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90148 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Baby Bull LLC dba Method Cycles and Craft House for a Class C Liquor License at 416 S. 11<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2017 AT 3:00 P.M. ON THE APPLICATION OF SMALL TOWN BAR INC DBA ROSIE'S SPORTS BAR AND GRILL FOR AN ADDITION TO THEIR LICENSED PREMISE AT 1501 CENTER PARK RD., SUITES 200 & 300 - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90149 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Small Town Bar Inc dba Rosie's Sports Bar and Grill for an addition to their licensed premise at 1501 Center Park Rd., Suites 200 & 300.

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If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:**

Administrative Amendment No. 16083 to rescind City Subdivision Permit No. 2201, approved by the Planning Director on December 6, 2016, generally located at 2101 and 2115 Stockwell Street.

Administrative Amendment No. 16081 to Special Permit No. 782B, Bern-Mar Valley CUP, approved by the Planning Director on December 8, 2016, to revise the plan to show the Flowage Easement Line and Building Line in the correct location on Lots 7 and 8, generally located at S. 63<sup>rd</sup> Street and Pioneers Boulevard.

Administrative Amendment No. 16082 to Change of Zone No. 05077, Thunderstone PUD, approved by the Planning Director on December 12, 2016, to add the minimum opening elevation, generally located at N.W. 40<sup>th</sup> and W. O Streets.

**MISCELLANEOUS REFERRALS**

SETTING THE HEARING DATE OF MONDAY, JANUARY 9, 2017 AT 3:00 P.M. ON THE APPLICATION OF HERGERT OIL COMPANY DBA SUPER C FOR A CLASS D LIQUOR LICENSE AT 4445 SOUTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jane Raybould, who moved its adoption:

A-90150 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 9, 2017, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the Application of Hergert Oil Company dba Super C for a Class D Liquor License at 4445 South 70<sup>th</sup> Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jane Raybould

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**LIQUOR RESOLUTIONS**

APPLICATION OF CHEF KARIM'S PLACE, LLC DBA CHEF KARIM'S PLACE FOR A CLASS I LIQUOR LICENSE AT 333 NORTH COTNER BOULEVARD, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90151 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Chef Karim's Place, LLC dba Chef Karim's Place for a Class "I" liquor license at 333 North Cotner Boulevard, Suite 1, Lincoln, Nebraska, for the license period ending April 30, 2017, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

MANAGER APPLICATION OF ABDEL K. CHHIBBANE FOR CHEF KARIM'S PLACE, LLC DBA CHEF KARIM'S PLACE AT 333 NORTH COTNER BOULEVARD, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-90152 WHEREAS, Chef Karim's Place, LLC dba Chef Karim's Place located at 333 North Cotner Boulevard, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Abdel K. Chhibbane be named manager;

WHEREAS, Abdel K. Chhibbane appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Abdel K. Chhibbane be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16-30, 2016 - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90153 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated December 1, 2016, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Wyatt Ryan	NAS*	Allied Insurance a/s/o	
Rose Marie Lunn	NAS*	Professional Choice Recovery	\$1,179.15
Nancy M. Bouton	\$1,000.00	Nate Bell	3,700.00
		Bart May	2,354.64

\* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90154 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperative Agreement between the City of Lincoln and the Nebraska Department of Environmental Quality (NDEQ) regarding grant funding from the state Stormwater Management Plan Program, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for NDEQ grant funding to implement programs and projects in association with the City of Lincoln's Stormwater Management Program.

The City Clerk is directed to transmit an executed original Agreement to Ben Higgins, Public Works and Utilities Department, 555 South 10<sup>th</sup> Street, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

USE PERMIT 26A – APPLICATION OF CHASE ELPL I, LLC TO CHANGE THE USE FROM HOTEL TO APARTMENTS WITH WAIVER OF PARKING REQUIREMENTS FROM TWO SPACES PER DWELLING UNIT TO ONE SPACE PER STUDIO APARTMENT AND TWO SPACES PER ONE BEDROOM AND WAIVER TO ALLOW PARKING IN THE SIDE YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 200 SOUTH 68<sup>TH</sup> STREET PLACE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90155 WHEREAS, Chase ELPL I, LLC has submitted an application designated as Use Permit No. 26A to change the use from hotel to apartments with reduction of parking requirements from two spaces per dwelling unit to one space per studio apartment and two spaces per one bedroom and waiver to allow parking in the side yard setbacks, on property generally located at 200 South 68<sup>th</sup> Street Place, legally described as follows:

Lots 4 and 5, Executive Center, located in the Northeast Quarter of Section 28, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this use permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Chase ELPL I, LLC, hereinafter referred to as "Permittee", to change the use from hotel to apartments with reduction of parking requirements from two spaces per dwelling unit to one space per studio apartment and two spaces per one bedroom and waiver to allow parking in the side yard setbacks, be and the same is hereby granted upon condition that construction and operation of such use be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an amendment of the use permit to change the use from hotel to apartments with reduction of parking requirements from two spaces per dwelling unit to one space per studio apartment and two spaces per one bedroom and waiver to allow parking in the side yard setback.
2. Before receiving building permits or before a final plat is approved:

- a. Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
    - i. Show curb return removal at northwest drive entrance into property. Remove curb return and replace with sidewalk and appropriate parking stall.
    - ii. Identify as parking lot landscaping screen area along west side of western parking area.
    - iii. Identify 30 foot front yard setback along western side of property.
    - iv. Identify 40 foot rear yard setback along eastern side of property.
    - v. Identify 15 foot side yard setback on north and south sides of property.
    - vi. Update Parking Information to reflect proposed dwelling use. Standard is 2 parking spaces per dwelling unit. Note existing and proposed parking spaces and requested waiver amount.
    - vii. Show the building envelope around all structures as a whole.
    - viii. Identify as Use Permit 26A Site Plan in title block in lower right corner.
    - ix. Provide open space calculations in Floor Space part of drawing. Show that use meets open space calculations or delete and address at time of building permit.
    - x. Delete Utility Contacts information.
    - xi. Remove Flood information from site plan.
    - xii. Remove Surveyor's Notes and Possible Encroachments from site plan.
    - xiii. Remove Zoning Information from site plan.
  - b. Before receiving building permits provide verification to the Planning Department that the letter of acceptance as required by the approval of the special permit has been recorded with the Register of Deeds.
  - c. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.
3. Before occupying the buildings all development and construction is to substantially comply with the approved plans.
  4. All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee or an appropriately established association approved by the City.
  5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
  6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors, and assigns.
  7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the use permit. The City Clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
  8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all resolutions approving previous permits shall remain in force and effect except as specifically amended by this resolution.

Introduced by Trent Fellers

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPROVING AN ADVERTISING AGREEMENT BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION CITY GOLF COURSES AND BENCH CRAFT COMPANY WHICH WILL PROVIDE REVENUE FROM ADVERTISEMENT AT ALL FIVE MUNICIPAL GOLF COURSES AND WILL PROVIDE SCORE CARDS, BENCHES, AND OTHER SUPPLIES AND EQUIPMENT FOR EACH COURSE AT NO COST - PRIOR to reading:

Camp Moved to place Bill No. 16R-281 on pending until 2/27/17.

Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

AMENDING RESOLUTION NO. A-79056 TO ALLOW ADDITIONAL USE OF PUBLIC RIGHT-OF-WAY ALONG P STREET FOR AN ADA ACCESSIBLE RAMP AND ENTRANCE - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-90156 WHEREAS, AJ Capital Partners has submitted an application to amend Resolution No. A-79056 which granted a permit for use of the public right-of-way at the southwest corner of 9<sup>th</sup> and P Streets, for the property legally described as Lots 1-12, Block 44, Lincoln Original and legally addressed as 131 N 9<sup>th</sup> Street, but commercially addressed as 141 N 9<sup>th</sup> Street, for construction of an ADA accessible ramp and entrance off P Street at this location; and

WHEREAS, said applicant has submitted a letter of application and site plan details which are attached hereto, marked Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', and Exhibit 'F' respectively, and made a part of this resolution by reference, to use the P Street right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of AJ Capital Partners to use an additional approximately 82 square feet of P Street public right-of-way in addition to the 1,155.25 square feet of N. 9<sup>th</sup> Street and P Street public right-of-way approved by Resolution No. A-79056 abutting the property located at 131 N 9<sup>th</sup> Street for the purpose of constructing an ADA accessible ramp and entrance, be granted as a privilege only by virtue of and subject to strict compliance with the plans, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregated for any one occurrence, and the payment of the annual fee of \$618.63 (1237.25 square feet @ \$.50 per foot) for the use of the surface of the public right-of-way.
2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.
3. The applicant, his heirs, successors, or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the P Street public way requested herein.
4. The applicant shall require his contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.
5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.
6. The use of the public way herein granted and the terms and conditions of the resolution shall be binding and obligatory upon the above-named applicant, his successors, and assigns.
7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.
8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Trent Fellers

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

COMP. PLAN AMENDMENT 16005 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE NOVEMBER, 2016 DRAFT OF THE “LPLAN 2040 UPDATE,” THE NEW LINCOLN CITY-LANCASTER COUNTY 2040 COMPREHENSIVE PLAN, WITH AMENDMENTS. (12/12/16 - PUBLIC HEARING & ACTION CONT'D TO 12/19/16) - PRIOR to reading:

LAMM Moved Motion to Amend #1 on Bill No. 16R-262 as follows:

On Line 12, add “with the following amendments:”

Amend Chapter 10, Transportation, under the heading, Vision for Transportation Principal, by adding new text on page 10.2 at the end of the text on the Planning as a Process to read as follows:

While this plan is intended to guide future decisions regarding the city's transportation system's development, it is merely a guide and is subject to changes to meet future community needs.’ ”

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LAMM Moved Motion to Amend #2 on Bill No. 16R-262 to make the following corrections:

Amend Chapter 10, Transportation, under the heading, Existing Conditions, by amending the text on page 10.4 to read as follows:

~~‘As fuel costs continue to rise, the need for more transportation options, as well as lifestyle options becomes more urgent.~~ It is likely that the personal vehicle will continue to be the dominant form of transportation for the foreseeable future. However, ~~as~~ if fuel costs rise, the option of using alternative modes such as transit, bicycles and walking for some trips may become more important to ~~everyonesome.~~’ ”

Seconded by Fellers and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LAMM Moved Motion to Amend #3 on Bill No. 16R-262 to make the following corrections:

Amend Chapter 10, Transportation, under the heading, The 2040 Needs Based Plan, by amending the text on page 10.25 to read as follows:

~~‘The major primary~~ responsibility of the Long Range Transportation Plan is the operation and maintenance of the new and existing street and roadway system.’ ”

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LAMM Moved Motion to Amend #4 on Bill No. 16R-262 to insert the following paragraph:

Amend Chapter 10, Transportation, under the heading, Alternative Transportation Modes and Complete Streets, by amending the text on pages 10.35 and 10.36 to read as follows:

~~‘Increased trips using alternative transportation modes, such as bicycles and transit, may theoretically reduce the number of single occupant vehicles on the road and so might, therefore, reduce congestion. The streets of our City and County are important parts of the livability of our community. Most streets should be designed and maintained for~~ It makes sense in select areas of the City to develop roadways that can serve all users, not just vehicular traffic. Complete sStreets are designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists and transit riders of all ages and abilities should be able to safely move along

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and across a Complete Street. However, Complete Streets do not make sense in all cases. The City should selectively develop Complete Streets only in those areas where such development is both cost effective and likely to provide direct benefit to users who frequent the area where the Complete Street will be built.'"

RAYBOULD Offered a friendly amendment in the line that say's However, Complete Streets may not make sense in all cases.

LAMM Inquired if in place of do not, and accepted the amendment.

CAMP Stated he likes the do not the way it is stated in the amendment. And then stated he seconded this motion and he does not accept the friendly amendment.

LAMM Reconsidered and does not accept the amendment.

GAYLOR BAIRD Offered a friendly amendment to clarify in the line that states it makes sense in select areas of the City to develop roadways that can serve, requesting to change to it makes sense in select areas of the City to develop complete streets.

LAMM Stated that she is not if favor of the friendly amendment.

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LAMM Moved Motion to Amend #5 on Bill No. 16R-262 to make the following corrections:

Amend Chapter 10, Transportation, under the heading, Fiscally Constrained Transportation Plan, by amending the text on page 10.50 to add the following text at the end of that Section:

'Expectations contained within the LRTP Technical Report do not in any way compel members of future City government to raise revenues to meet said expectations.'"

Seconded by Camp and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

CLERK Read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90157 WHEREAS, the Director of the Planning Department has made application to amend the 2040 Lincoln-Lancaster County Comprehensive Plan ("LPlan 2040") by adopting the November 2016 draft of the "LPlan 2040 Update," as the new Lincoln City-Lancaster County 2040 Comprehensive Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval thereof, with amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2040 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

Adopt the "LPlan 2040 Update," as amended by the Lincoln City-Lancaster County Planning Commission, as the new Lincoln City-Lancaster County 2040 Comprehensive Plan- "with the following amendments."

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Carl Eskridge

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX RELATING TO FINANCE AND TAXATION, BY PROVIDING ANY TAX INCREASE FOR GENERAL REVENUE PURPOSES MAY NOT BE IMPLEMENTED WITHOUT A VOTE OF THE PEOPLE. A TEMPORARY TAX INCREASE, IN AN EMERGENCY, MUST BE APPROVED BY UNANIMOUS VOTE OF THE CITY COUNCIL AND GOES TO THE VOTERS IN THE NEXT CITY ELECTION - PRIOR to reading:

CHRISTENSEN Moved to Withdraw Bill No. 16R-284.

Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

The resolution, having been **WITHDRAWN**, was assigned the File #38-4676 & was placed on file in the Office of the City Clerk.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IX, SECTIONS 25, 25A, 26 AND 26A OF THE CHARTER RELATING TO THE CITY ANNUAL AND BIENNIAL BUDGETS - PRIOR to reading:

LAMM Moved to continue public hearing & action to 1/09/17.

Seconded by Christensen & carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

**PUBLIC HEARING ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS**

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING SMALL CELL WIRELESS TECHNOLOGY ON CITY OWNED STREET LIGHT POLES - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Lease Agreement between the City of Lincoln and Verizon Wireless for the purpose of installing small cell wireless technology on City owned street light poles, the second time.



APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR PCS TOWER AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT BEAL SLOUGH DRAINAGE BASIN - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Beal Slough drainage basin and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the second time.

APPROVING AMENDMENT NO. 3 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT VAN DORN PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 3 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Van Dorn Park and authorizing the Mayor to sign such Amendment No. 3 to Agreement on behalf of the City, the second time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT STATE FAIR PARK - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at State Fair Park and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the second time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT HOLMES LAKE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for Tower Space and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Holmes Lake and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the second time.

APPROVING AMENDMENT NO. 1 TO AGREEMENT FOR TOWER SPACE AND APPURTENANCES BETWEEN THE CITY OF LINCOLN AND VERIZON WIRELESS FOR THE PURPOSE OF INSTALLING CITY OWNED CONDUIT FROM THE ROW TO THE CITY OWNED CELL TOWER AT NORTHWEST 56<sup>TH</sup> STREET AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Trent Fellers, approving Amendment No. 1 to Agreement for PCS Tower and Appurtenances between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC d/b/a Verizon Wireless for the purpose of installing City owned conduit from the ROW to the City owned cell tower at Northwest 56th Street and Fletcher Avenue and authorizing the Mayor to sign such Amendment No. 1 to Agreement on behalf of the City, the second time.

CHANGE OF ZONE 16036 – APPLICATION OF LINCOLN FEDERAL BANCORP, INC., WILDERNESS HILLS COMMERCIAL PLANNED UNIT DEVELOPMENT, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW FOR A MIX OF COMMERCIAL AND RESIDENTIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 27<sup>TH</sup> STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Trent Fellers, the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 05054E – AMENDING THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT BY EXPANDING THE BOUNDARY OF THE PUD BY APPROXIMATELY 7.37 ACRES; APPROVING A CHANGE OF ZONE ON SAID 7.37 ACRES FROM AG AGRICULTURAL DISTRICT TO R-5 RESIDENTIAL DISTRICT PUD; AND DESIGNATING SAID 7.37 ACRES AS A PLANNED UNIT DEVELOPMENT DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 89<sup>TH</sup> STREET AND FREMONT STREET - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

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TEXT AMENDMENT 16014 – AMENDING SECTION 27.61.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CONTINUATION OF NONSTANDARD USES TO AUTOMATICALLY ADJUST THE SETBACK FOR EXISTING BUILDINGS AND USES WHEN THE CITY OBTAINS PROPERTY FOR RIGHT-OF-WAY, AND REPEALING SECTION 27.61.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Trent Fellers, amending Section 27.61.090 of the Lincoln Municipal Code relating to the Continuation of Nonstandard Uses to automatically adjust the setback for existing buildings and uses when the City obtains property for right-of-way, and repealing Section 27.61.090 as hitherto excising, the second time.

APPROVING THE TRANSFER OF FUNDS FROM APPROVED APPROPRIATIONS INTO THE GOLF COURSE IRRIGATION SYSTEMS CIP PROJECT FOR REPLACEMENT OF THE IRRIGATION PUMP STATION AND WET WELL AT PIONEERS GOLF COURSE - CLERK read an ordinance, introduced by Trent Fellers, approving the transfer of funds from approved appropriations into the Golf Course Irrigation System CIP project from replacement of the irrigation pump station and wet well at Pioneers Golf Course, the second time.

COMP. PLAN AMENDMENT 16004 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP FROM PUBLIC & SEMI-PUBLIC AND RESIDENTIAL-URBAN DENSITY TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279)

CHANGE OF ZONE 16030 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, FROM AG AGRICULTURAL TO R-1 RESIDENTIAL, AND FROM R-1 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) - CLERK read an ordinance, introduced by Trent Fellers, amending the City of Lincoln Zoning District Map adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 16009 – APPLICATION OF THE LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION FOR A USE PERMIT TO ALLOW UP TO 177,000 SQUARE FEET OF NEW COMMERCIAL FLOOR AREA INCLUDING A RETAIL WAREHOUSE AND MOTORIZED VEHICLE FUEL FACILITY, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 14<sup>TH</sup> STREET AND PINE LAKE ROAD. (RELATED ITEMS: 16R-278, 16-134, 16R-279) (ACTION DATE: 1/09/17)

**ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS**

STREET & ALLEY VACATION 16004 – VACATING A PORTION OF THE NORTH 46<sup>TH</sup> STREET PUBLIC RIGHT-OF-WAY BETWEEN THE SOUTH RIGHT-OF-WAY LINE OF ORCHARD STREET AND THE NORTH RIGHT-OF-WAY LINE OF Y STREET. (RELATED ITEMS: 16-121, 16-122, 16R-261) - CLERK read an ordinance, introduced by Carl Eskridge, vacating a portion of the North 46th Street public right-of-way from the south right-of-way line of Orchard Street south to the north right-of-way line of Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20405**, is recorded in Ordinance Book 32.

CHANGE OF ZONE 16029 – APPLICATION OF JUDETH AND HAROLD HOPPE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT AND FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261) - CLERK read an ordinance, introduced by Carl Eskridge, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20406**, is recorded in Ordinance Book 32.

USE PERMIT 16008 – APPLICATION OF JUDETH AND HAROLD HOPPE TO ALLOW FOR THE CONSTRUCTION OF AN OFFICE IN AN R-T RESIDENTIAL TRANSITION DISTRICT, WITH WAIVERS TO R-T DISTRICT PARKING LOT SETBACKS AND SIGN LOCATION, ON PROPERTY

GENERALLY LOCATED AT NORTH 46<sup>TH</sup> AND ORCHARD STREETS. (RELATED ITEMS: 16-121, 16-122, 16R-261) (ACTION DATE: 12/19/16) - Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90158 WHEREAS, Judeth and Harold Hoppe have submitted an application designated as Use Permit No. 16008 to allow for the construction of an office in an R-T Residential Transition District, with waivers to R-T district parking lot setbacks and sign location, on property generally located at North 46<sup>th</sup> and Orchard Streets, and legally described as:

That part of Lots 7, 8, 9, and 10, Block 15, Mount Forest, Lincoln, Lancaster County, Nebraska, all being more particularly described as follows:

Beginning at the southeast corner of Lot 7, Block 15, Mount Forest; thence westerly on the south line of said Lot 7, Block 15, north 89 degrees 54 minutes 42 seconds west 100.00 feet; thence northerly, north 00 degrees 09 minutes 56 seconds west 141.87 feet; to a point on the north line of said Lot 10; thence easterly on said north line, south 89 degrees 53 minutes 36 seconds east 71.00 feet; thence northerly, north 00 degrees 09 minutes 56 seconds west 42.34 feet; thence easterly, south 89 degrees 52 minutes 55 seconds east 29.00 feet, to a point on the east line of said Lot 10; thence southerly on the east line of said Lots 7, 8, 9, and 10, south 00 degrees 09 minutes 56 seconds east 184.17 feet, to the point of beginning, said tract containing an area of 15,413.45 square feet or 0.35 acres more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Judeth and Harold Hoppe, hereinafter collectively referred to as "Permittee", for a use permit to allow for the construction of an office in an R-T Residential Transition District, with requested waivers to R-T district requirements for parking setbacks and sign location, on the property legally described above, be and the same is hereby granted upon condition that construction and operation of said commercial development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a use permit for 3,900 square feet of office space and grants a waiver to the R-T district requirements for parking lot setback and sign location.
2. The City Council approves associated requests:
  - a. Change of Zone No. 16029
  - b. Street and Alley Vacation No. 16004
3. Before a final plat is approved, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions as listed below:
  - a. Revise landscape plan to conform with the Design Standards for Screening and Landscaping.
  - b. Remove items from page one of site plan relating to change of zone application and make site plan larger.
  - c. Add note: "Office building shall comply with Neighborhood Design Standards and elevations shall be approved by Planning Director prior to building permit approval."
  - d. Add note: "All development and construction is to substantially comply with the approved plans."
  - e. Revise setbacks per R-T district. Change side and rear yards to 10 feet.
  - f. Revise use permit boundary to allow adjacent broadcast tower and associated structures to maintain a 10-foot setback on their lot to the south.
  - g. Remove interior building details and separately label office and garage area.
  - h. Add waivers:
    - a. 27.72.030(b)(1) – To allow parking less than 20 feet from residential district.
    - b. 27.69.040 – To allow a freestanding sign in the front yard. All other sign regulations shall apply.
4. Before occupying the buildings all development and construction is to substantially comply with the approved plans.
5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors, and assigns.
7. The Permittee shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

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AMENDING THE FY 16/17 CIP TO AUTHORIZE AND APPROPRIATE \$320,000 IN TIF FUNDS FOR THE VICTORY PARK – VA CAMPUS PHASE 1 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) HOUSING PROJECT. (RELATED ITEMS: 16-123, 16R-267) - Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90159 WHEREAS, Resolution No. A-89947, adopted by the City Council of Lincoln, Nebraska on August 22, 2016, amended the 2016-2018 biennial budget for the City of Lincoln for the 2016-2017 fiscal year and further adopted the Capital Improvement Program attached to Resolution No. A-89947 as Schedule No. 5; and

WHEREAS, it is necessary to amend the Schedule of Capital Improvement Projects for the fiscal year beginning September 1, 2016 within the Capital Improvement Program (CIP) adopted by and attached to Resolution No. A-89947 as Schedule 5 to establish the Victory Park – VA Campus Phase 1 Veterans Affairs Supportive Housing Project as a capital improvement project within the adopted Capital Improvement Program and transferring and establishing appropriations in the amount of \$320,000.00 from TIF funds for said capital improvement project.

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, “The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process.” The Charter definition of “Planning Department” includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has previously reviewed the proposed improvements to be constructed as part of the Victory Park – VA Campus Phase 1 Veterans Affairs Supportive Housing Project for conformity or non-conformity with the Comprehensive Plan as a capital improvement project to be funded by TIF as part of its review of the above described redevelopment projects within the VA Campus Redevelopment Plan, and the Planning Commission found the proposed improvements to be in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That Victory Park – VA Campus Phase 1 Veterans Affairs Supportive Housing Project to implement the aforementioned VA Campus Redevelopment Plan, Redevelopment Projects, and to pay improvements costs associated with said CIP Project, is hereby established and added to the Urban Development Department’s list of fiscal year 2016-17 capital improvement projects within the Capital Improvement Program adopted by and attached to Resolution No. A-89947 as Schedule 5.

2. That the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget to designate \$320,000.00 of Tax Increment Financing funds from the aforementioned Redevelopment Projects for this Victory Park – VA Campus Phase 1 Veterans Affairs Supportive Housing Project.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

AUTHORIZING AMENDMENTS TO ORDINANCE NO. 20261 APPROVED OCTOBER 26, 2015 AUTHORIZING TAX ALLOCATION BONDS FOR THE VICTORY PARK – VA CAMPUS REDEVELOPMENT PROJECT. (RELATED ITEMS: 16-123, 16R-267) - CLERK read an ordinance, introduced by Carl Eskridge, amending ordinance no. 20261 to change the principal amount of bonds which may be issued; to repeal certain provisions of ordinance no. 20261 in connection therewith; taking other action in connection with the foregoing; and related matters, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20407**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO GOVERNMENTAL ORGANIZATION BY AMENDING SECTION 2.02.130 TO REDESIGNATE THE TRAFFIC OPERATIONS DIVISION AS THE TRAFFIC ENGINEERING DIVISION, ADDING THE RIGHT-OF-WAY MANAGEMENT DIVISION, AND REPEALING SECTION 2.02.130 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.02 of the Lincoln Municipal Code relating to Governmental Organization by amending Section 2.02.130 to redesignate the Traffic Operations division as the Traffic Engineering division, adding the Right-of-Way Management division, and repealing Section 2.02.130 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20408**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY CERTAIN MATTERS RELATING TO THE HUMAN RESOURCES DEPARTMENT INCLUDING APPLICATION PROCEDURES, VETERAN PREFERENCES, EXAMINATION STANDINGS, AND REMOVAL OF NAMES FROM ELIGIBILITY LISTS AND REPEALING SECTIONS 2.76.215, 2.76.220, 2.76.260, 2.76.275, AND 2.76.320 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.76 of the Lincoln Municipal Code relating to

the Personnel System by amending Sections 2.76.215, 2.76.220, 2.76.260, 2.76.275, and 2.76.320 of the Lincoln Municipal Code to clarify certain matters relating to the Human Resources Department including application procedures, veteran preferences, examination standings, and removal of names from eligibility lists and repealing Sections 2.76.215, 2.76.220, 2.76.260, 2.76.275, and 2.76.320 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20409**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LIBRARY BOARD BY AMENDING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 TO CLARIFY CERTAIN LIBRARY BOARD PROCEDURES AND REPEALING SECTIONS 4.20.020, 4.20.030, AND 4.20.040 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 4.20 of the Lincoln Municipal Code relating to the Library Board by amending Sections 4.20.020, 4.20.030, and 4.20.040 to clarify certain library board procedures and repealing Sections 4.20.020, 4.20.030, and 4.20.040 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20410**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 4.24 OF THE LINCOLN MUNICIPAL CODE ENTITLED "LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD" BY AMENDING SECTION 4.24.070 RELATING TO POWERS AND DUTIES; SPECIFICALLY TO REFER TO THE APPROPRIATE ARTICLE IN THE CITY CHARTER; AND REPEALING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 4.24 of the Lincoln Municipal Code entitled "Lincoln Electric System Administrative Board" by amending Section 4.24.070 relating to Powers and Duties; specifically to refer to the appropriate Article in the City Charter; and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20411**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY REPEALING CHAPTER 5.18 ENTITLED "CHARITABLE SOLICITATIONS" IN ITS ENTIRETY BY REPEALING SECTIONS 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.18.070, 5.18.080, 5.18.090, 5.18.100, 5.18.110, 5.18.120, AND 5.18.130 - CLERK read an ordinance, introduced by Carl Eskridge, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by repealing Chapter 5.18 entitled "Charitable Solicitations" in its entirety by repealing Sections 5.18.010, 5.18.020, 5.18.030, 5.18.040, 5.18.050, 5.18.060, 5.18.070, 5.18.080, 5.18.090, 5.18.100, 5.18.110, 5.18.120, and 5.18.130, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20412**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE ENTITLED "ANIMAL CONTROL REGULATIONS – GENERALLY" BY AMENDING SECTION 6.04.210 RELATING TO PERMIT REQUIRED TO HAVE ANIMAL EXHIBIT OR RIDES TO CHANGE THE REFERENCE FROM PERSHING AUDITORIUM TO THE PINNACLE BANK ARENA; AND REPEALING SECTION 6.04.210 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 6.04 of the Lincoln Municipal Code entitled "Animal Control Regulations – Generally" by amending Section 6.04.210 relating to Permit Required to Have Animal Exhibit or Rides to change the reference from Pershing Auditorium to the Pinnacle Bank Arena; and repealing Section 6.04.210 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

The ordinance, being numbered **#20413**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE RELATING TO STREET NUMBER ON CURB OF PAVING TO AMEND THE DESCRIPTION OF HOW ADDRESS NUMBERS CAN BE PAINTED ON CURBS; AND REPEALING SECTION 14.24.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 14.24.060 of the Lincoln Municipal Code relating to Street Number on Curb of Paving to amend the description of how address numbers can be painted on curbs; and repealing Section 14.24.060 of the Lincoln Municipal Code as hitherto existing, the third time.

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ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20414**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 17.58 OF THE LINCOLN MUNICIPAL CODE ENTITLED "REGULATION OF WASTEWATER DISCHARGE" BY AMENDING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 TO REDESIGNATE WASTEWATER TREATMENT PLANTS AS WATER RESOURCE RECOVERY FACILITIES; AND REPEALING SECTIONS 17.58.010, 17.58.050, 17.58.060, 17.58.110, 17.58.135, AND 17.58.170 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Section 14.24.060 of the Lincoln Municipal Code relating to Street Number on Curb of Paving to amend the description of how address numbers can be painted on curbs; and repealing Section 14.24.060 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20415**, is recorded in Ordinance Book 32.

TECHNICAL AMENDMENTS ORDINANCE AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING FIGURE 27.67.040 TO REVISE THE SPECIAL PARKING REQUIREMENTS FOR GREENHOUSES TO REFLECT THE CORRECT SECTION REFERENCE; AMENDING SECTION 27.56.030(B) RELATING TO HEIGHT OF BUILDINGS IN CAPITOL ENVIRONS AREA TO REVISE INCORRECT REFERENCE TO RELATED CODE SECTION; AMENDING SECTION 27.81.030 AND SECTION 1.04.090 TO CHANGE CATCHHEADS TO CATCHWORDS; AND REPEALING FIGURE 27.67.040, SECTION 27.56.030(B), SECTION 27.81.030, AND SECTION 1.04.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending Figure 27.67.040 to revise the Special Parking Requirements for Greenhouses to reflect the correct section reference; amending Section 27.56.030(b) relating to Height of Buildings in Capitol Environs Area to revise incorrect reference to related code section; amending Section 27.81.030 and Section 1.04.090 to change Catchheads to Catchwords; and repealing Figure 27.67.040, Section 27.56.030(b), Section 27.81.030, and Section 1.04.090 as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Raybould & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20416**, is recorded in Ordinance Book 32.

CONSENT AMENDMENTS ORDINANCE AMENDING CHAPTER 10.34 OF THE LINCOLN MUNICIPAL CODE ENTITLED "PARKING METERS" BY AMENDING SECTION 10.34.030 RELATING TO PARKING FEES AND TIME LIMITS TO AMEND THE DEPARTMENT AUTHORIZED TO SET PARKING FEES; AND REPEALING SECTION 10.34.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 10.34 of the Lincoln Municipal Code entitled "Parking Meters" by amending Section 10.34.030 relating to Parking Fees and Time Limits to amend the department authorized to set parking fees; and repealing Section 10.34.030 of the Lincoln Municipal Code as hitherto existing, the third time.

ESKRIDGE Moved to pass the ordinance as read.  
Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.  
The ordinance, being numbered **#20417**, is recorded in Ordinance Book 32.

**RESOLUTION - FOR ACTION ONLY**

APPROVING A MULTI-YEAR CIP CONSTRUCTION CONTRACT MANAGEMENT SYSTEM UPGRADE BETWEEN THE CITY OF LINCOLN AND AURIGO SOFTWARE TECHNOLOGIES, INC. (12/12/16 - ACTION DELAYED 1 WEEK TO 12/19/16) - Clerk read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-90160 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the multi-year Construction Management System Upgrade between the City of Lincoln and Aurigo Software Technologies, Inc. for a four year term, in accordance with the terms and conditions contained in said contract, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

The City Clerk is directed to send one fully executed License Agreement to Miki Esposito, Director of Public Works and Utilities, for transmittal to Aurigo Software Technologies, Inc.

Introduced by Carl Eskridge

Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould: NAYS: None.

**RESOLUTIONS - 1<sup>ST</sup> READING**

APPOINTING KIM PHELPS TO THE STARTRAN ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 20, 2019. (*CONSENT*)

APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LINCOLN ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE HEALTH DEPARTMENT'S TOBACCO FREE NEBRASKA SUBAWARD BY INCREASING THE GRANT BY \$8,000.00 TO PERFORM ADDITIONAL DELIVERABLES RELATING TO A COUNTER TOOLS PROJECT IN THE GRANT WORK PLAN. (*CONSENT*)

APPOINTING TIM SCHULTZ AND JOSELYN LUEDTKE TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR TERMS EXPIRING SEPTEMBER 1, 2018. (*CONSENT*)

ORDERING ALLEY RE-PAVING DISTRICT 50 CONSTRUCTED FROM 16<sup>TH</sup> TO 17<sup>TH</sup> STREET BETWEEN G AND H STREETS.

COMP. PLAN CONFORMANCE 16011 – APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE “1222 P STREET MIXED-USE REDEVELOPMENT PROJECT” TO INCLUDE THE CONSTRUCTION OF 2 ADDITIONAL STORIES OVER A PORTION OF THE EXISTING 3-STORY STRUCTURE, ALONG WITH DEMOLITION, RECONSTRUCTION, AND REHABILITATION OF THE EXISTING 3 STORIES, ON PROPERTY GENERALLY LOCATED AT 1222 P STREET AND A PORTION OF THE ADJACENT ALLEY AND RIGHT-OF-WAY.

APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND ITERIS, INC. TO PROVIDE NEPA EVALUATION AND DOCUMENTATION FOR THE NORTH 27<sup>TH</sup> STREET ADAPTIVE SIGNAL CONTROL TECHNOLOGY PROJECT. (STATE PROJECT NO. HSIP-5231(14), CN 13244, CITY PROJECT NO. 702689).

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)**

APPROVING A DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN, NEBRASKA AND JOHN D. ZAKOVEC AND JUDITH L. ZAKOVEC, HUSBAND AND WIFE (DEVELOPER) TO ASSURE THAT THE DEVELOPER WILL DEVELOP THAT PORTION OF LOT 1, WOODLAWN WEST (PROPERTY) AS REPRESENTED, SHOULD THE PROPERTY BE REZONED TO H-3 PURSUANT TO THE DEVELOPER'S APPLICATION FOR CHANGE OF ZONE 16023. (RELATED ITEMS: 16R-297, 16-141) (ACTION DATE: 1/23/17)

CHANGE OF ZONE 16023 – APPLICATION OF JOHN ZAKOVEC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 6625 NORTHWEST 48<sup>TH</sup> STREET. (RELATED ITEMS: 16R-297, 16-141) - CLERK read an ordinance, introduced by Jane Raybould, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

TEXT AMENDMENT 16013 – AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.685 TO DELETE THE ACCESS DOOR LOCATION REQUIREMENT, AND ADD EXTERIOR DOOR OPENING REQUIREMENTS FOR A SPECIAL PERMIT FOR ALCOHOLIC BEVERAGES TO BE SOLD FOR CONSUMPTION OFF PREMISES IN ZONING DISTRICTS B-1, B-3, H-1, H-2, H-3, H-4, I-1, AND I-3, AND REPEALING SECTION 27.63.685 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jane Raybould, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.685 to delete the access door location requirement, and add exterior door opening requirements for a special permit for alcoholic beverages to be sold for consumption off the premises in zoning districts B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3, and repealing Section 27.63.685 as hitherto existing, the first time.

COMP. PLAN AMENDMENT 16001 – AMENDING THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO AMEND CHAPTER 5 TO REMOVE THE REFERENCE TO LINCOLN'S THEATER POLICY. (RELATED ITEMS: 16R-293, 16-147) (ACTION DATE: 1/23/17)

TEXT AMENDMENT 16006 – AMENDING SECTIONS 27.63.630 AND 27.06.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO INDOOR THEATERS AS A PERMITTED SPECIAL USE BY AMENDING SECTION 27.63.630 TO ALLOW INDOOR THEATERS IN THE B-2 OR B-3 DISTRICT AND TO TERMINATE THE REQUIREMENT THAT INDOOR THEATERS IN THE B-5 DISTRICT BE ALLOWED ONLY AS A PERMITTED SPECIAL USE; BY AMENDING SECTION 27.06.150 TO AMEND THE COMMERCIAL RECREATION AND ENTERTAINMENT FACILITIES USE GROUP TABLE TO

ALLOW INDOOR THEATERS IN THE B-2 AND B-3 DISTRICT AS A PERMITTED SPECIAL USE AND TO ALLOW INDOOR THEATERS IN THE B-5 DISTRICT EFFECTIVE JANUARY 1, 2022 AS A PERMITTED USE; AND REPEALING SECTIONS 27.63.630 AND 27.06.150 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by ~~Jane Raybould~~ Roy Christensen, amending Sections 27.63.630 and 27.06.150 of the Lincoln Municipal Code relating to indoor theaters as a permitted special use by amending Section 27.63.630 to allow indoor theaters in the B-2 or B-3 District and to remove the requirement that indoor theaters in the B-5 District be allowed only as a permitted special use; by amending Section 27.06.150 to amend the Commercial Recreation and Entertainment Facilities Use Group Table to allow indoor theaters in the B-2 and B-3 District as a permitted special use and to allow indoor theaters in the B-5 District effective January 1, 2022 as a permitted use; and repealing Sections 27.63.630 and 27.06.150 as hitherto existing, the first time.

AMENDING SECTION 27.72.080 OF THE LINCOLN MUNICIPAL CODE, AS AMENDED BY TEXT AMENDMENT NO. 16007 (ORDINANCE NO. 20372), TO DELETE THE ERRONEOUS ADDITION OF THE R-1 DISTRICT TO THE LIST OF DISTRICTS IN WHICH A DECREASE OF THE REQUIRED FRONT YARD FOR NEW BUILDINGS IS NOT ALLOWED EVEN THOUGH 40% OR MORE OF THE FRONTAGE ALONG A BLOCK IS DEVELOPED WITH FRONT YARDS LESS THEN REQUIRED BY THE ZONING ORDINANCE - CLERK read an ordinance, introduced by ~~Jane Raybould~~ Roy Christensen, amending Section 27.72.080 of the Lincoln Municipal Code as amended by Text Amendment No. 16007 (Ordinance No. 20372), relating to the zoning ordinance by amending subsection (e) in Section 27.72.080 to delete the R-1 district which was erroneously added to the list of districts in which a decrease of the required front yard is not allowed; and repealing Section 27.72.080 of the Lincoln Municipal Code as hitherto existing, the first time.

OPEN MICROPHONE - None.

ADJOURNMENT

12:42 A.M.

CAMP                    Moved to adjourn the City Council Meeting of December 19, 2016.  
                              Seconded by Christensen & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

\_\_\_\_\_  
Teresa Meier, City Clerk

\_\_\_\_\_  
Rhonda M. Bice, Office Specialist